

REMARKS

The Examiner rejected claims 1-3 and 6-8 under 35 U.S.C. 103(a) as being unpatentable over Lin, *et al* (hereafter "Lin") (US Publication 2003/0098651). The above amendments cancel Claims 1-3, and hence, render this rejection moot with respect to those claims. The above amendments also change the dependency of Claim 6 from Claim 1 to Claim 4, which the Examiner has indicated is allowable. Applicant traverses this rejection with reference to Claims 7 and 8.

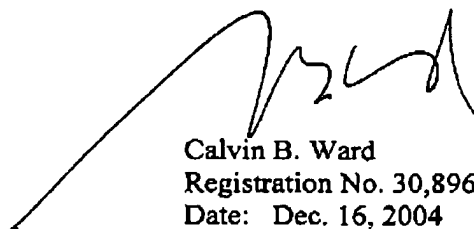
The Examiner has the burden of showing that each limitation is shown in the reference or that there is some motivation to change the teachings of the reference to arrive at a method that satisfies the limitations of the rejected claim. "The mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art." (*Libbey-Owens-Ford v. BOC Group*, 4 USPQ 2d 1097, 1103). "When the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference" (*In re Rijckaert*, 28 USPQ2d, 1955, 1957). Since the Examiner has not pointed to any teaching in Lin or the art that would cause one to modify the method taught in Lin to provide a cap that has a constant thickness or that is a planar sheet of constant thickness, Applicant submits that the Examiner has not made a *prima facie* case for obviousness with respect to Claims 7 or 8.

Furthermore, if anything, Lin teaches away from such teachings, since the cap in Figure 4 is shaped to image the light from the LED, and hence, must have lens properties. A planar sheet or a spherical sheet of constant thickness does not provide the desired focusing property taught in Lin.

The Examiner indicated that Claims 4 and 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The above amendments provide the required redrafting,

I hereby certify that this paper is being sent by FAX to 703-872-9306.

Respectfully Submitted,



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